

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	WT Docket No. 06-150
)	
Service Rules for the 698-746, 747-762)	
and 777-792 MHz Bands)	PS Docket No. 06-229
)	
Implementing a Nationwide,)	
Broadband, Interoperable Public)	
Safety Network in the 700 MHz)	
Band)	

REPLY COMMENTS OF TELEVATE, LLC

Televate has reviewed, with great interest, the comments provided on this docket. We remain convinced that a solution can result from this proceeding – one that delivers an unparalleled capability to public safety and is affordable. We have previously commented that the right solution is one that utilizes a hybrid auction-RFP process and significantly reduces the importance of the bidding price from the evaluation criteria. We provide the following reply comments as modifications or enhancements to our earlier comments.

The key areas our reply comments focus on include:

- Clarification of our proposed RFP process
- Regionalization
- The tremendous opportunities that are presented here for carriers

1) RFP Evaluation Process and Bidding Credits

Our proposal included a RFP process with proposals weighted more heavily on reliability, service prices, coverage, PSST funding, priority, and inclusive user communities ahead of the bid

amount. We proposed that 95 percent of the total evaluation be based on the proposals themselves, that the PSST determine the detailed evaluation criteria and requirements, while only five percent of the evaluation be based on the bid price. We recognize that the FCC must auction the spectrum and award it to the highest bidder. We therefore propose a solution that leverages proposal evaluations to create bidding credits. We propose bidding credits that amount to the equivalent of a maximum of 95% of the maximum bid price. For example, if the high bid is one billion dollars, that bid represents 5% of the total score, and therefore, the remaining proposal is worth \$19 billion in credits (\$20 billion total maximum value with \$1 billion coming from the actual bid amount). The end result would be similar to that of the existing solution whereby the PSST would then negotiate with the “highest” bidder (including proposal score bidder credits), and if negotiations failed with that bidder, the PSST would negotiate with the next “highest” bidder.

2) Regionalization

We are concerned that the costs for subscriber devices might increase dramatically if a single standard would not be selected by the commercial partner or the FCC. While the Internet Protocol can be used on the back end to provide interoperability across systems, the national broadband network should have coverage where no other service is provided and reliability that will often leave it as the only service available during major events. As such, if each subscriber device does not support the totality of technologies that will exist nationally, interoperability problems will result. Even if regional standards are selected, the agencies at the borders will be required to have multi-technology subscriber devices. However, it seems clear that a variety of benefits could result from regionalizing and may outweigh those costs. We would prefer to hear

from subscriber device manufacturers and chipset vendors to indicate the cost increase that would be associated with the potential multitude of technologies. While we see tremendous convergence around LTE, selection of that standard would delay service until 2012 and might eliminate potential UMB, EVDO, HSPA, and WiMax service providers from competing for public safety's business. We urge the Commission to seek more input from the commercial service providers and their vendors along these lines. Limiting the set of technologies could stifle competition. Additionally, the technology selection must consider operational challenges that public safety will face. Irreversible impacts can result in degraded public safety operations if the wrong solution is selected. For example, any five megahertz technology (e.g., HSPA) will require the entire public safety block use. This would make it far more difficult for public safety to deploy emergency deployable or peer-to-peer solutions in their band to enhance coverage at an incident.

3) Opportunities For Carriers

We see this initiative as a tremendous opportunity for the wireless carriers. Our RFP process includes D block pricing for augmentations to the national broadband network. These augmentations include increased reliability and coverage that are needed by public safety agencies. As a result, a mechanism will exist for governments and other public safety groups to contribute funding to improve the national network. Such funding could be in the form of Universal Service Fund access, Federal grants, or state and local taxpayer dollars. This should be seen as a positive opportunity by governments as they should have to contribute less than the cost of a full build-out in their service area.

Reliability and coverage are marketable selling points of network services and such investments will provide the D Block winner a competitive advantage over other commercial service providers. While we don't yet know the amount of funds that will be available, it could certainly reach into hundreds of millions of dollars per year. We are skeptical that the D block value is lower than the incremental cost required to meet the core public safety requirements. However, due to these increased government and public safety investments in the national network over time, and with the flexibility we've proposed in the RFP process, we believe that public safety can ultimately achieve its broadband service objectives while providing a significant marketing advantage for the D Block winner. Recent comments from the Congress and national leaders are very encouraging indicators that they will do what is required to ensure success and provide funding if necessary to deliver a public safety grade broadband infrastructure. Given all of these factors, we recommend that the carrier community carefully consider the opportunity before them.

We again thank the Commission for its consideration of our input and stand ready to assist public safety and the Commission in any way we can.

Respectfully submitted,

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